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United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

May 6, 2008

SO ORDERED

By Hand

Honorable George B. Daniels
United States District Court Judge
United States Courthouse
500 Pearl Street, Room 630
New York, New York 10007

George B. Daniels
HON. GEORGE B. DANIELS

MAY 07 2008

Re: Vargas obo T.J. v. Commissioner of Social Security
08 Civ. 1527 (GBD)

Dear Judge Daniels:

This Office represents the Commissioner of Social Security, defendant in the above-referenced matter.

During my preparation of the government's response to the complaint I encountered several issues that require that I seek additional information from the Agency. Because the Agency's response will impact the answer to the complaint, I will be unable to file the government's answer by the current due date, May 6, 2008. Therefore, I respectfully request a thirty-day extension of time, until June 5, 2008, to respond to the complaint.

Should the Court grant this request, defendant's answer will be due on June 5, 2008. His motion for judgment on the pleadings would then be due on July 7, 2008 (July 5, 2008 falls on a Saturday). Plaintiff's response would be due thirty days from service of the government's motion. Defendant's reply, if any, will be due ten days after service of the response.

The complaint was filed on February 14, 2008, but this Office was not served with a copy of the complaint until March 7, 2008. Therefore, under Federal Rule of Civil Procedure 12(a)(2), the answer is due on May 6, 2008. By Order dated February 28, 2008, the Court directed the Commissioner to answer the complaint within sixty of receipt of the Order. I did not learn of the Court order until yesterday.

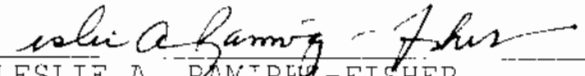
This is the government's first request for an extension in this matter. Plaintiff did not consent to this request because of the amount of time her case has been pending.

Thank you for consideration of this request.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

By:


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cc: Dallanara Vargas obo T.J.
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(By Overnight Mail)